

restriction to first-line installations applies only to the requirement for alternative service. Such restriction would not apply, for example, to requirements for completing installations within five business days or for keeping installation appointments. These requirements apply regardless of whether the service application requests a first line or additional lines.

- (134) OCC requests that the Commission grant rehearing as to Rule 4901:1-5-24(C)(1), O.A.C., arguing that the Commission should have left the requirement for service alternatives at ten days instead of lengthening it to 15 days. The Commission disagrees with OCC's contention. The Commission determined the alternative service time requirement needed to be changed to be compatible with the tiered installation credits in Rule 4901:1-5-18(C), O.A.C. Accordingly, the applicant or customer already has remedies at five days and ten days and, therefore, it was deemed appropriate to change the alternative service requirement to 15 days.
- (135) OTIA vigorously objects to Rule 4901:1-5-24(C)(2), O.A.C., for what OTIA interprets as this rule's requirement for 100 percent compliance.
- (136) GTE objects to Rule 4901:1-5-24(C)(2), O.A.C., and asserts the company should only be required to make time-of-day appointments at the request of the customer, so that the company can retain scheduling flexibility.
- (137) OCC disagrees with Rule 4901:1-5-24(C)(2), O.A.C. According to OCC, the rule should read "[i]n the event that an on-premise installation is necessary, each LEC shall make an appointment for such installation." OCC states that the rule, as presently written, could be interpreted as leaving the discretion to the company.
- (138) The Commission disagrees with OTIA's objection that Rule 4901:1-5-24(C)(2), requires 100 percent compliance. This objection implies that requiring 100 percent compliance constitutes a demand for perfection and that such a demand is, therefore, unreasonable and unlawful. The Commission believes that perfection with regard to installation appointments would imply that no such appointment would ever have to be rescheduled. Since this rule allows for the rescheduling of appointments, it does not require perfection and is, therefore, reasonable. Support for such a rule comes from customer

complaints to the PUCO hotline and the study conducted by NRRI. It is appropriate to require LECs to keep appointments and provide advance notice on those appointments which need to be rescheduled. As previously noted in reference to OTIA's request for rehearing of Rule 4901:1-5-18, O.A.C., the previous MTSS contained an analogous requirement.

The Commission takes issue with GTE's contention that Rule 4901:1-5-24(C)(2), O.A.C., should be revised to require only that a date be specified for on-premise installation appointments and that a time-of-day appointment window is not necessary. The Commission does not believe customers should be required to take off work, sometimes without pay, to wait through an all-day appointment window for the technician to arrive. Neither does the Commission believe it should be left up to customers to raise the issue of how long they should have to wait for an appointment. Rather, the Commission believes the LEC should offer to all applicants and customers a minimum of an A.M. or P.M. appointment window, as the rule requires.

The Commission also disagrees with OCC's contention that Rule 4901:1-5-24(C)(2), O.A.C., needs further clarification concerning when on-premise installation appointments are necessary. The current language, which states: "[i]f necessary, each LEC shall make appointments for the on-premise installation," grants no undue discretion to the LECs. Some service installations cannot be completed without the technician gaining access to the customer's home or place of business. To gain such access, it is necessary for the LEC to arrange an appointment with the customer. The first sentence of Rule 4901:1-5-24(C)(2), O.A.C., merely restates these facts and directs the LECs to make any necessary appointments for on-premise installations.

- (139) Rule 4901:1-5-24(D), O.A.C., addresses the issue of answer time and specifically states that on a company-wide basis the average time in which all calls offered to the LEC's operator or directory assistance shall not exceed 20 seconds and all calls placed to the LEC's repair center or business office shall not exceed an average answer time of 60 seconds. Ameritech contends that this rule sets unreasonable requirements for measuring answer time. Ameritech argues that (a) its voice response unit (VRU) systems are incapable of measuring menu-selection time for each individual call; (b) Ameritech cannot control all the variables involved in the customer's

menu selection activity; (c) it is unnecessary to measure menu selection time since customers can transfer to a live attendant and thus avoid using the VRU; and (d) requiring the measurement of menu selection time will lead to the speeding up of that process, which Ameritech says will work against the provision of good customer service. Ameritech recommends the Commission adopt the industry-standard answer-time interval, which begins at the time the call leaves the VRU and ends when the call is answered by a live attendant.

(140) Like Ameritech, OTIA and GTE request rehearing of the MTSS as to answer time, positing that many VRU systems do not have the technical capability to measure in the manner apparently prescribed by Rule 4901:1-5-24(D)(4), O.A.C. Further, GTE states that the LEC cannot control answer time when the customer is using a menu-driven automated system. Both OTIA and GTE propose that a two-minute average answer time is reasonable and necessary to accommodate customer recycling of the voice mail menu. OTIA raises the same arguments as to Rule 4901:1-5-24(D)(5), O.A.C.

(141) The Commission agrees with comments by OTIA, Ameritech and GTE relating to the Rule 4901:1-5-24(D), O.A.C., answer-time requirement as it applies to LECs using a voice response unit (VRU) or an automatic call distribution system (ACD) when such answer time includes customer menu selection. The Commission's agreement is based on the following considerations (a) that some VRUs or ACDs are not capable of measuring from the first audible ring; (b) that some VRU or ACD systems do not have an audible ring that precedes the auto-attendant's answer; (c) that LECs cannot control all the variables involved in the customer's menu selection; and (d) that menu-selection time is not critical since LECs are already required to provide customers the option to transfer to a company representative and to do this automatically if customers fail to interact for ten seconds. However, the Commission does not believe it is necessary to change the rule, which is still appropriate for LECs which do not utilize a VRU or ACD. The Commission clarifies that for those LECs which do utilize a VRU or ACD system, the phrase, "first ring at the LEC's business or repair office" will now refer to the point at which the customer begins waiting in queue. VRU systems function to aid the customer in selecting the appropriate menu option to suit his/her needs. Thus, answer time would include either (a) ring time at LECs without an automated answering system; or (b) time waiting in queue at LECs

having either a stand-alone ACD or both an ACD and a VRU. The Commission expects the company to afford the customer the opportunity to enter the queue as close as possible to the start of the recorded message. Regarding the broader issue of answer time in general, the Commission sees a need to clarify the status of a busy signal in the context of an attempt to reach the LEC. It is the Commission's position that a LEC will be considered out of compliance with the answer-time standard in those instances when a busy signal is encountered by a customer trying to reach either the business office or repair office during normal working hours.

- (142) Edgemont asserts the Commission should adopt a rule that would ban the insertion of marketing materials or other information which delays the completion of a telephone call into the process of making a call. Edgemont adds that this would be one step beyond the existing practice of marketing automatic dialing during calls to information. The Commission is unaware of instances where LECs are inserting marketing material into the process of making a phone call, except in the context mentioned by Edgemont and by automated answering systems at some LEC business offices. The Commission sees no problem with such marketing material as long as it does not lengthen the time it takes for the customer to complete a call and is otherwise accurate and nondiscriminatory. Rule 4901:1-5-24, O.A.C., requirements discourage such answer-time impact on calls to the LEC by setting a 60-second answer-time standard and requiring that customers be given the option of exiting the VRU.

Customer bill of rights

- (143) Ashtabula requests that the customer bill of rights include a provision to require LECs to inform subscribers of the nonrecurring charges for establishing or changing services in addition to explaining regulated and unregulated services. The Commission notes that such a requirement already exists in Rule 4901:1-5-06(D)(1)(c), O.A.C. In the course of conducting customer service audits Commission staff will ensure that consumers are informed of applicable non-recurring charges.
- (144) OCC requests clarification of, according to OCC, inconsistencies in the MTSS in comparison to the customer bill of rights.

OCC notes that the customer bill of rights and Rule 4901:1-5-16(A)(4), O.A.C., makes reference to the current month's billing, while Rule 4901:1-5-16(A), O.A.C., requires that bills be rendered at regular intervals. OCC also notes the inconsistency in the time period in which a customer has to prevent the disconnection of services.

The Commission notes that the customer bill of rights and Rule 4901:1-5-16, O.A.C., includes a reference to local service which is currently provided on a monthly basis. However, the Commission requests that to the extent that LECs begin to provide customers bills on any other periodic basis that the LEC modify the bill of rights accordingly.

Furthermore, the Commission interprets the bill of rights and Rule 4901:1-5-19(K)(2)(b), O.A.C., to prohibit the disconnection of service without sending written notice postmarked at least seven days prior to the date of disconnection. In reference to such notice, the customer must pay or establish payment arrangements with the LEC for the amount which is more than seven days past due. Accordingly, the rules and the customer bill of rights are not inconsistent.

It is, therefore,

ORDERED, That LECs shall submit, for Commission approval, joint applications to amend their interconnection agreements, in accordance with Finding 20, by October 9, 1997. It is, further,

ORDERED, That all applications for rehearing are denied and the Finding and Order is clarified as set forth above. It is, further,

ORDERED, That the waiver granted as to the timing issue rules expire in accordance with Finding Nos. 8, 9, 10 and 11. It is, further,


ORDERED, That Rule 4901:1-5-07(D), O.A.C., is waived for one year from the date of this Entry on Rehearing and that Rule 4901:1-5-08(A), O.A.C., is suspended in accordance with Finding 60. It is, further,

ORDERED, That a copy of this Entry on Rehearing be served upon all telecommunications service providers, including entities with pending applications, commentators to this proceeding and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Craig A. Glazer, Chairman

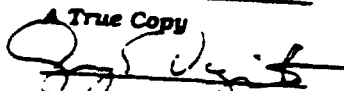

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